But see *Greene* v. *People,* 150 Ill. 513. Joint stock associations were not illegal if they did not assume to act as corporations. LINDLEY ON PARTNERSHIP, p. 171; *Kinder* v. *Taylor,* 3 L. J. Ch. 68; *Duvergier* v. *Fellows,* 5 Bing. 248, 2 Moo. & P. 384. The interesting point in this case seems to be the fact stated, that this association had none of the powers or privileges of corporations not possessed by individuals or partnerships. It is generally said that a joint stock company, whether existing in its common law form with transferable shares merely or strengthened by grants of sovereign power, have some of the features of both a corporation and a partnership; that it partakes of the nature of both. It has even been called a quasi-corporation. MORAWETZ, CORPORATIONS, Vol I (2nd Ed.), § 6; THOMPSON, CORPORATIONS, Vol. I, § 14; 23 Cyc. of Law and Proc., p. 467; *Cox* v. *Bodfish,* 35 Me. 302; *Coal Co.* v. *Rogers,* 108 Pa. St. 147; LINDLEY, LAW OF PARTNERSHIP—INTRODUCTION, p. 67. When we say that such associations partake of the nature of both a partnership and a corporation, we must mean necessarily that they have some of the powers of the corporation and some of the functions of a partnership. A joint stock company is a partnership with some of the powers of a corporation. *People* v. *Coleman,* 133 N. Y. 279, 31 N. E. 96, 16 L. R. A. 183; *Van Aernam* v. *Bleistein,* 102 N. Y. 360. A corporation has many powers and privileges which do not distinguish it from other organizations, and yet, which are incidental to its existence but not vital. *Warner* v. *Beers,* 23 Wend. (N. Y.) 151. WORDSWORTH ON JOINT STOCK COMPANIES (Vol. 39, Old Series; Vol. 23, New Series, p. 16, the Law Library), in discussing letters patent as one way in which joint stock associations could be formed, cites the Act of 4 & 5 Wm. 4, c. 94, which, referring to these divers companies of men, says: "Which associations it would be inexpedient to incorporate by royal charters * * * *, although it would be expedient to confer upon such associations some of the privileges of and incident to corporations." It was true then that these associations had some of the privileges of corporations and were legal at common law. They have some powers which distinguish them from general partnerships—WILGUS' CORPORATION CASES, Vol. I, p. 170—and these powers are usually found in corporations. The principal case seems to open up a field in Idaho for associations not amenable to any sovereign law, and which perhaps may assume even further privileges, which a general partnership does not have, short of limited liability. This the court would probably declare a corporate privilege. It is hard to follow the court when it says that the Constitution would not exclude this association even should it have powers and privileges not possessed by individuals and partnerships. If the legislature can only authorize the organization of such associations by general laws, is it possible for a group of individuals to do voluntarily that which the legislature is restricted in doing?

MUNICIPAL CORPORATIONS—PROTECTION AGAINST FRAUD BY ORDINANCE—SALE OF JEWELRY BY AUCTIONEERS.—A city ordinance of Duluth requires a license for auctioneers, and prohibits the selling by the licensee of watches or jewelry under penalty. The relator was fined for violating this last provision after taking out his license, and, in default of payment, was committed to the

county jail. He sued out a writ of habeas corpus. *Held,* that the writ should be discharged, the ordinance being a valid exercise of the police power of the municipality for the prevention of frauds on the public. *State ex rel. Cook* v. *Bates* (1907), — Minn. —, 112 N. W. Rep. 67.

That the police power may be called into play to prevent fraud has long been recognized. When a business depends upon fraud for its very existence it may be prohibited, but if it only offers large opportunities for the commission of fraud a prohibition is not justifiable. *Fry* v. *State of Indiana,* 63 Ind. 552; *Commonwealth* v. *Wilson,* 14 Phila. (Pa.) 334. Ordinances for protection against such evils have been sustained when regulating weights and measures. *Smith* v. *Arnold,* 106 Mass. 269; *Bisbee* v. *McAllen,* 39 Minn. 143, providing for the inspection of food stuffs and drugs; *Jacksonville* v. *Leadwith,* 23 Fla. 558; *People* v. *Wagner,* 24 Mich. 141; *Deems* v. *Mayor,* 45 Md. 339, prohibiting adulterations and imitations; *Powell* v. *Pennsylvania,* 127 U. S. 678; *Wright* v. *State,* 88 Md. 436; *Butler* v. *Chambers,* 36 Minn. 69; *Plumley* v. *Massachusetts,* 155 U. S. 461, and regulating various trades and occupations liable to abuse. Peddlers and hawkers, since they are usually itinerant and therefore irresponsible, have always been considered properly subject to regulation. *People* v. *Russell,* 49 Mich. 617. The place and manner of carrying on their trade may be controlled, and they may be prohibited from selling certain classes of goods, as, for example, jewelry. Auctioneers can also be required to take out licenses, but, being as a class more responsible than hawkers, restrictions upon them are confined to specifying the time and place of sales, and the requiring of bonds. The object is usually to guard against nuisance and to keep the business in the hands of responsible parties. Prohibition is not usually resorted to. *Fowle* v. *Common Council of Alexandria,* 28 U. S. 398; *White* v. *Kent,* 11 Oh. St. 550. An ordinance prohibiting the sale of watches after six o'clock in the evening has been held valid, the reason given being that the licensing and regulation of auctioneers are within the power of the legislature. *City of Buffalo* v. *Marion,* 13 Misc. Rep. 639, 34 N. Y. Supp. 945. There is no reference to the police power under which such a prohibition could alone be justified, but the danger that watches so sold were not come by honestly would seem to permit of legislative interference. For the same reason the holding of the principal case could be upheld, except that a prohibition appears unnecessary since the city of Duluth has the power to compel auctioneers to keep such records of their transactions as it may direct, and to regulate the time, place and manner of holding sales. The result could be accomplished without a prohibition. For a more general treatment of ordinances licensing trades and occupations, see V MICH. LAW REV., 667.

PARENT AND CHILD—OBLIGATION OF FATHER TO SUPPORT AFTER DIVORCE.—Plaintiff was the divorced wife of defendant. The decree gave the plaintiff the custody of the two infant children, the court at that time not having jurisdiction to compel defendant to pay for their support. In an action to recover this support, *held,* that a wife, obtaining a decree of divorce, awarding her the custody of the minor children of the marriage, may, on supporting the children after the decree, recover from the husband the expenses incurred. *Alvey* v. *Hartwig* (1907), — Md. —, 67 Atl. Rep. 132.